

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**JOINT MOTION FOR EXTENSION OF TIME
FOR CASE DEADLINES**

Pursuant to Fed. R. Civ. P. 6(b) and Fed. R. Civ. P. 16(b)(4), Plaintiff Students for Fair Admissions, Inc. and Defendants The University of North Carolina at Chapel Hill, et al., jointly request that the Court extend the deadlines set forth in the current scheduling order (Dkt. 104) and adopt the following stipulated schedule for expert discovery and summary judgment briefing. Defendant-Intervenors do not object to this motion.

I. Preliminary Statement

On August 22, 2017, the Court adopted the proposed schedule set forth in the parties' Joint Motion for Extension of Time for Case Deadlines filed on August 17, 2018 (Dkt. 104). Under that schedule, initial expert reports are due December 15, 2017, all expert discovery is due to be completed by May 31, 2018, any motions for summary

judgment are due by July 27, 2018, motions in opposition to summary judgment are due by September 10, 2018, and reply motions are due by October 10, 2018.

On November 15, 2017, UNC produced certain data and material to SFFA that UNC intends to use and rely upon in connection with its opening expert report. The parties have met and conferred regarding the timing of these additional productions of data and the period of time necessary for the SFFA's experts to assess this new data.

The parties believe an extension of the current deadlines is necessary and have agreed, subject to the Court's approval, to extend the deadlines of the current schedule, as proposed below.

II. Good Cause for Requests

Under Rule 6(b), the court may extend deadlines for "good cause." Moreover, under Rule 16(b)(4), "[a] schedule may be modified only for good cause and with the judge's consent." Such requests "are liberally granted." *Curtis v. Norfolk Southern Ry. Co.*, 206 F.R.D. 548, 550 (M.D.N.C. 2002); *see also* 4B C. Wright, A. Miller and A. Steinman, *Federal Practice and Procedure*, § 1165 (4th ed. 2015) ("[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.").

A modified schedule is necessary and promotes justice in order to allow both sides' experts time to analyze the data and materials recently produced by UNC. With modifications to expert deadlines, it will be necessary to adjust summary judgment deadlines by a corresponding length of time.

The parties recognize that the requested extensions and schedule modifications push back completion of summary judgment briefing as well as any potential trial of this matter. However, the parties respectfully submit that the modifications are in the interests of justice and do not unfairly prejudice any party. The parties do not request the modifications to unduly delay this matter or for any other improper purpose.

III. Proposed Schedule

For the foregoing reasons, the parties propose the following deadlines:

1. The date proposed for the completion of expert discovery is June 25, 2018. Reports required under Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) would be due during the proposed discovery period as follows:
 - (a) Affirmative expert reports by January 12, 2018
 - (b) Rebuttal expert reports by March 28, 2018
 - (c) Reply expert reports by May 11, 2018
 - (d) All trial experts would be deposed during the period between May 11, 2018 and June 25, 2018.
2. The proposed deadline for filing any motions for summary judgment would be August 24, 2018. Briefs in opposition to summary judgment would be due October 8, 2018, and reply briefs would be due November 7, 2018.

Respectfully submitted this 30th day of November, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2017, I filed a true and correct copy of the foregoing Joint Motion for Extension of Time for Case Deadlines with the Clerk of Court using the CM/ECF system, which will be served on all registered users.

This 30th day of November, 2017.

/s/ Thomas R. McCarthy
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